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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ERIN GURSSLIN,

Plaintiff,

Civil Action No. 20-cv-6508

v.

THE CITY OF ROCHESTER, a municipal entity, POLICE  
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA  
KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON  
SPRINGER,

Defendants.

Video-Recorded Deposition in the Above-Titled Matter:

Deputy Chief Aaron Springer

Location: Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607

Date: February 28, 2023

Time: 10:00 a.m.

Reported By: CHRISTINE VIGNA

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607



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A P P E A R A N C E S

Appearing Remotely on Behalf of Plaintiff:

Elliot D. Shields, Esq.

Roth & Roth LLP

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Appearing on Behalf of Defendants:

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Also Present:

Kenneth Williamson, Videographer

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607

\* \* \*



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1 S T I P U L A T I O N S

2 TUESDAY, FEBRUARY 28, 2023;

3 (Proceedings in the above-titled matter  
4 commencing at 10:08 a.m.)

5 \* \* \*

6 IT IS HEREBY STIPULATED by and between the  
7 attorneys for the respective parties that this  
8 deposition may be taken by the Plaintiff at this time  
9 pursuant to subpoena;

10 IT IS FURTHER STIPULATED, that all  
11 objections except as to the form of the questions and  
12 responsiveness of the answers, be reserved until the  
13 time of the trial;

14 IT IS FURTHER STIPULATED, that pursuant to  
15 Federal Rules of Civil Procedure 30(e)(1) the witness  
16 requests to review the transcript and make any  
17 corrections to same before any Notary Public;

18 IT IS FURTHER STIPULATED, that if the  
19 original deposition has not been duly signed by the  
20 witness and returned to the attorney taking the  
21 deposition by the time of trial or any hearing in this  
22 cause, a certified transcript of the deposition may be  
23 used as though it were the original;

24 IT IS FURTHER STIPULATED, that the  
25 attorneys for the parties are individually responsible



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1 P R O C E E D I N G S

2 for their certified transcript charge, including any  
3 expedite or other related production charges;4 AND IT IS FURTHER STIPULATED, that the  
5 Notary Public, CHRISTINE VIGNA, may administer the  
6 oath to the witness.

7 \* \* \*

10:07:41 8 THE VIDEOGRAPHER: We are on the record.  
10:07:48 9 The time is 10:08 on Tuesday, February 28, 2023. My  
10:07:55 10 name is Ken Williamson for Alliance Court Reporting  
10:08:00 11 located at 109 South Union Street, Rochester, New  
10:08:03 12 York. Today we are located at the offices of Alliance  
10:08:08 13 Court Reporting. We are about to begin the  
10:08:10 14 video-recorded deposition of Deputy Chief Aaron  
10:08:13 15 Springer in the matter of Erin Gursslin versus the  
10:08:16 16 City of Rochester, a municipal entity, Police Officer  
10:08:21 17 Jeremy Nellist, Police Officer Joshua Kelly, Commander  
10:08:26 18 Fabian -- Fabian Rivera and Lieutenant Aaron Springer,  
10:08:30 19 Defendants. Today's matter is being video-recorded on  
10:08:32 20 behalf of the Plaintiffs.

10:08:34 21 Counsel, please state your appearances for  
10:08:36 22 the record and please begin with the noticing  
10:08:39 23 attorney.

10:08:39 24 MR. SHIELDS: Elliot Shields, Roth & Roth,  
25 LLP for the Plaintiff, Erin Gursslin.

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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

01:44:06 2 members will have their police badges and coms readily  
01:44:12 3 available and accessible. So that would have been the  
01:44:14 4 extent of the -- the -- the training, not specific to  
01:44:17 5 Officer Nellist and Officer Kelly, but for the whole  
01:44:19 6 entire team for future operations.

01:44:21 7 Q. Okay. By signing the after action report,  
01:44:28 8 you approved the basis for the actions of Kelly and  
01:44:33 9 Nellist on September 6, 2018?

01:44:37 10 MS. JONES: Objection.

01:44:38 11 A. I -- I wouldn't say that. This -- this is  
01:44:42 12 the documentation in an attempt to accurately reflect  
01:44:45 13 what took place. There was another report that was  
01:44:48 14 issued that -- that outlined specifically the -- the  
01:44:55 15 incident for -- for shooting the dog. That  
01:44:58 16 was -- that was documented on an incident report  
01:45:02 17 separate to this particular document.

01:45:06 18 Q. And Nellist and Kelly both testified that  
01:45:14 19 in no way by you or anyone else were they ever  
01:45:17 20 disciplined as a result of this incident. Does that  
01:45:22 21 sound accurate to you?

01:45:23 22 MS. JONES: Objection.

01:45:23 23 A. Yes.

01:45:24 24 Q. Okay. And that they were never required  
01:45:28 25 to undergo any additional training. That's what they



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

01:45:30 2 both testified to as well. Does that sound accurate  
01:45:33 3 to you?

01:45:34 4 MS. JONES: Objection.

01:45:34 5 A. Yes. That's accurate.

01:45:37 6 MR. SHIELDS: Okay. I want to just take a  
01:45:39 7 quick two-minute bathroom break if that's okay?

01:45:43 8 MS. JONES: Sure.

01:45:45 9 THE WITNESS: Good with me.

01:45:46 10 THE VIDEOGRAPHER: Okay. The time is 1:46  
01:45:49 11 p.m. We are off the record.

01:45:53 12 (The proceedings recessed at 1:46 p.m.)

01:55:15 13 (The proceedings reconvened at 1:55 p.m.;  
14 appearances as before noted.)

01:55:25 15 THE VIDEOGRAPHER: We are on the record.

01:55:30 16 The time is 1:55 p.m. on February 28, 2023. This is a  
01:55:37 17 hybrid deposition. We are located at Alliance Court  
01:55:44 18 Reporting, 109 South Union Street, Rochester, New  
01:55:45 19 York. Our deponent is Deputy Chief Aaron Springer.

01:55:49 20 Please continue.

21 DEPUTY CHIEF AARON SPRINGER, resumes;

01:55:50 22 CONTINUING EXAMINATION BY MR. SHIELDS:

01:55:50 23 Q. All right. Chief, welcome back. Same  
01:55:53 24 questions as before. We just took a break for about  
01:55:58 25 ten minutes. And during that ten-minute break, did



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:25:42 2 MS. JONES: Thank you.

04:25:44 3 MR. SHIELDS: You're welcome.

04:25:45 4 Q. Okay. And when you were chief, I think we  
04:25:59 5 talked a little bit earlier -- I'm sorry.

04:26:01 6 When you were the SWAT commander for the  
04:26:03 7 RPD, I think we talked a little bit earlier about the  
04:26:09 8 fact that the SWAT team has monthly trainings; is that  
04:26:13 9 right?

04:26:13 10 A. That's correct.

04:26:14 11 Q. Okay. And did any of those monthly  
04:26:17 12 trainings ever involve scenarios for how to determine  
04:26:23 13 whether a dog was aggressive or not?

04:26:26 14 A. Not that I recall.

04:26:28 15 Q. Okay. Did any of those trainings ever  
04:26:31 16 involve the legal requirements to enter the curtilage  
04:26:36 17 to a property?

04:26:37 18 A. Not that I recall.

04:26:42 19 Q. Okay. When you were with the RPD, what  
04:26:48 20 was the general attitude within the department about  
04:26:51 21 incidents where officers shoot dogs?

04:26:54 22 MS. JONES: Objection.

04:26:55 23 A. I -- I -- I don't know if I could speak to  
04:27:02 24 the general attitude. I could speak to the general  
04:27:05 25 attitude about the group that I most commonly had



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:27:09 2 contact with on SWAT? And it was an -- an unfortunate  
04:27:12 3 but objective analysis of the circumstance that  
04:27:14 4 required the use of force on dogs.

04:27:20 5 That -- that was it. As -- as objective  
04:27:24 6 as was possible given the circumstance, unfortunate as  
04:27:31 7 it was.

04:27:32 8 Q. And every incident that you were ever  
04:27:36 9 involved in either personally or as the SWAT commander  
04:27:43 10 where a dog was shot, it was ultimately determined by  
04:27:47 11 the RPD that the shooting was justified, correct?

04:27:51 12 MS. JONES: Objection.

04:27:52 13 A. I can say that I -- any -- any shooting of  
04:27:56 14 a dog that I was involved in personally or was -- was  
04:27:59 15 responsible for as the SWAT commander, did not or was  
04:28:03 16 not brought to my attention that there were any  
04:28:05 17 requirements for additional training or discipline.

04:28:08 18 So I think it's important to note though,  
04:28:10 19 because it's a -- it was a collateral-duty team that  
04:28:14 20 while I would like to think that I would have been  
04:28:17 21 made aware of any discipline resultant from a PSS  
04:28:20 22 investigation, they were not bound or responsible to  
04:28:23 23 notify me. I wasn't in their chain of command.

04:28:27 24 That would have went through the -- the  
04:28:28 25 home unit of the -- the officer's unit of assignment's



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:28:34 2 chain of command. And -- and -- and I don't recall  
04:28:35 3 any officer bringing that to my attention.

04:28:38 4 Q. In order to maintain membership on the  
04:28:42 5 SWAT team, isn't it true that the members had to  
04:28:47 6 maintain a clean disciplinary history?

04:28:50 7 MS. JONES: Objection.

04:28:51 8 A. Yeah. Per the policy that we reviewed  
04:28:54 9 earlier, yes.

04:28:55 10 Q. Okay. So if any of your SWAT members had  
04:28:59 11 ever been disciplined in any way, that would be  
04:29:02 12 brought to your attention somehow, correct?

04:29:06 13 MS. JONES: Objection.

04:29:06 14 A. I would like to think that that would have  
04:29:09 15 been brought to my attention, yes.

04:29:12 16 Q. Okay. Because that would be a grounds for  
04:29:12 17 potentially dismissing that member from the SWAT team?

04:29:14 18 MS. JONES: Objection.

04:29:15 19 A. Correct.

04:29:16 20 Q. What has the department done to try and  
04:29:22 21 reduce the number of dogs that are shot?

04:29:26 22 MS. JONES: Objection.

04:29:26 23 A. I -- I can't say with any certainty  
04:29:30 24 because of the period of separation.

04:29:32 25 Q. Okay. In the time that you were with the



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:29:35 2 RPD from 1996 to 20 -- to January of 2020, what did  
04:29:42 3 the department do to try and reduce the number of dogs  
04:29:45 4 that were shot?

04:29:46 5 MS. JONES: Objection.

04:29:47 6 A. I don't recall any specific effort on the  
04:29:50 7 part of the department based on an identification of  
04:29:53 8 an -- of an issue to reduce the number of dogs being  
04:29:58 9 shot with the exception of a training bulletin or a  
04:30:04 10 presentation that was conducted or that was provided  
04:30:06 11 to officers that -- that -- that maybe had some  
04:30:10 12 pictures of what dogs looked like to show when a dog  
04:30:12 13 was or was not, you know, in an aggressive posture.  
04:30:16 14 Aside from that, I don't recall really anything else.

04:30:18 15 Q. Did you receive that training?

04:30:21 16 A. I don't have the -- what I can remember is  
04:30:29 17 I remember the -- the pictures of the dogs, the -- the  
04:30:34 18 diagrams of the dogs in different postures, but I -- I  
04:30:37 19 don't remember specifically attending the training,  
04:30:40 20 reviewing any training material, when or where the  
04:30:43 21 training was. I just remember that there was pictures  
04:30:46 22 of -- of dogs in different poses.

04:30:48 23 Q. So you don't have an independent  
04:30:54 24 recollection of attending any in-service training?

04:30:56 25 MS. JONES: Objection.



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:30:57 2 A. With regards to that specific topic,  
04:31:00 3 correct.

04:31:01 4 Q. Other than that, do you remember any  
04:31:07 5 trainings provided by the RPD about how to deal with  
04:31:14 6 dogs in any way?

04:31:15 7 A. I do not.

04:31:16 8 Q. Does the RPD require the use of  
04:31:23 9 de-escalation techniques in situations with aggressive  
04:31:29 10 people?

04:31:30 11 A. I'm trying to recall what -- what the  
04:31:41 12 policy states. And I can't recall if there is a note  
04:31:49 13 with regards to a requirement for de-escalation or  
04:31:53 14 not. I can't say with any level of certainty,  
04:31:57 15 especially, you know, with what they require now.

04:31:59 16 Q. Does the RPD require de-escalation  
04:32:08 17 techniques in situations with dogs that they perceive  
04:32:10 18 to be aggressive?

04:32:12 19 A. Not that I'm aware of.

04:32:14 20 Q. Does the RPD permit officers to shoot dogs  
04:32:20 21 if they're afraid of the dog?

04:32:22 22 A. If the officer feels that they're in  
04:32:29 23 imminent risk of -- of a threat of a dog, yes. RPD  
04:32:35 24 policy allows for that.

04:32:37 25 Q. Does the RPD provide any training



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:32:40 2 regarding how to objectively evaluate whether the  
04:32:49 3 officer is actually at an imminent risk as a result of  
04:32:53 4 what they perceive to be an aggressive dog?

04:32:57 5 MS. JONES: Objection.

04:32:59 6 A. I don't believe so. I -- I -- I think  
04:33:02 7 that it's based on the officer's perception. And I  
04:33:05 8 don't believe that the RPD, while I was there,  
04:33:09 9 provided any specific guidance on how to conclude  
04:33:12 10 that -- that they are -- an individual is in imminent  
04:33:18 11 risk.

04:33:18 12 Q. Okay. And the RPD trains its officers  
04:33:25 13 that if a dog is coming towards them, they can shoot  
04:33:28 14 it?

04:33:28 15 MS. JONES: Objection.

04:33:29 16 A. I wouldn't say that's accurate, no.

04:33:32 17 Q. Okay. Does the RPD train its officers  
04:33:35 18 that if a dog is running towards them and they  
04:33:39 19 perceive that to pose an imminent risk, then they're  
04:33:46 20 permitted to shoot the dog?

04:33:48 21 MS. JONES: Objection.

04:33:48 22 A. I think that's a more fair statement  
04:33:52 23 according to the policy.

04:33:53 24 Q. You were never told by the RPD that you  
04:34:04 25 are not allowed to shoot dogs, correct?



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1 DEPUTY CHIEF AARON SPRINGER - BY MR. SHIELDS

04:34:04 2 MS. JONES: Objection.

04:34:05 3 A. Not that I recall. There was never a time  
04:34:09 4 when we were told by RPD that we were not allowed to  
04:34:15 5 shoot dogs.

04:34:16 6 Q. And you were never told by the RPD that  
04:34:19 7 prior to shooting a dog you were required to consider  
04:34:22 8 the use of less lethal force, correct?

04:34:25 9 MS. JONES: Objection.

04:34:25 10 A. I don't recall that, no.

04:34:31 11 Q. And do you think that this lawsuit is  
04:34:39 12 frivolous?

04:34:39 13 MS. JONES: Objection.

04:34:39 14 A. I -- I don't have an opinion on whether I  
04:34:46 15 think the lawsuit is frivolous or not. It's -- I  
04:34:50 16 don't have an opinion on that. It is what it is.

04:34:53 17 Q. Okay. Earlier you testified that you took  
04:34:57 18 responsibility for the officers entering  
04:35:01 19 Ms. Gursslin's yard without a warrant, consent or  
04:35:03 20 exigent circumstances?

04:35:05 21 MS. JONES: Objection.

04:35:05 22 A. Yes, I did.

04:35:07 23 However, I asked to qualify that response  
04:35:09 24 by saying that I deferred the explanation or the  
04:35:13 25 definition of the exigency to the officers.



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